

**IN THE UNITED STATE DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

**UNITED STATES OF AMERICA)
PLAINTIFF)
)
v.) CASE NO. : 1:17-CR-027-JPJ-PMS
)
JOEL A. SMITHERS)
DEFENDANT)**

**NOTICE OF RENEWED REQUEST FOR A CONTINUANCE TO ALLOW
DEFENDANT USE OF AN EXPERT WITNESS AND TO ALLOW TIME FOR
EXPERT TO REVIEW FILES AND GIVE A REPORT**

Comes Now the Defendant, Joel A. Smithers, and advises this Honorable Court, that he has notified his counsel of his desire to call an expert witness on his behalf, namely Arnold E. Feldman, M.D. Counsel was just notified by the Defendant on Saturday, April 13, 2019 of the Defendant's request. Counsel believes it is vitally important for the Defendant to have an expert witness on his behalf and that due to the massive volume of discovery provided to counsel, it would be extremely beneficial to counsel to assist on this case. Dr. Feldman's wife has surgery this week and it would be impossible for him to provide a report in time for the trial scheduled to begin on April 29, 2019. Dr. Feldman's CV is attached hereto.

Defendant was only given access to files without attorney present two weeks ago and lives over 4 hours away. The discovery includes probably over 1,000,000 pages of discovery, in many different files. The Defendants funds were seized making his ability to travel limited. Linda Cheek, M.D. was rejected and not allowed as an expert by the court and Defendant now desires to have an expert witness available.

Denial of this motion would effectively force the Defendant to take the stand in his own defense and thus violates his 5th amendment rights. Dr. Smithers faces over 860 counts against him and caution requires that he be allowed to present a defense on his behalf.

Wherefore, the Defendant, Joel A. Smithers, respectfully requests a continuance in this matter.

RESPECTUFLY SUBMITTED
JOEL A. SMITHERS
BY COUNSEL

BY: /s/Don M. Williams, Jr.

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CERTIFICATE OF SERVICE

I, Don M. Williams, Jr., hereby certify that I have this the 15th day of April, 2019, electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such filing to the Assistant United States Attorney.

/s/ Don M. Williams, Jr.

DON M. WILLIAMS, JR.